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UNILEVER UNITED STATES, INC.
8 and PEPSI/LIPTON TEA PARTNERSHIP

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 AMY MAXWELL, individually and on behalf
of all others similarly situated,

14 Plaintiff,

15 v.
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17 UNILEVER UNITED STATES, INC. and
PEPSI LIPTON TEA PARTNERSHIP,

18 Defendants.
19

Case No. C12-01736-EJD

CLASS ACTION

JOINT STATUS REPORT

Judge: Hon. Edward J. Davila
Action Filed: April 6, 2012

1 Amy Maxwell (“Plaintiff”) and defendants Unilever United States, Inc., the Pepsi/Lipton
2 Tea Partnership, and PepsiCo, Inc.¹ (“Defendants”) submit this Joint Status Report in response to
3 this Court’s Order of December 8, 2017 (Dkt. 122), staying the action with respect to Plaintiff’s
4 claims against Lipton tea products manufactured and distributed by the Pepsi Lipton Tea
5 Partnership pending completion of FDA proceedings regarding use of the term “natural” in food
6 labeling. The Court’s December 8, 2017 Order requested an update on the relevant proceedings
7 before the U.S. Food and Drug Administration (“FDA”).

8 Since the parties’ August 6, 2018 Joint Status Report (Dkt. 135), FDA has not yet
9 formally issued any guidance on the use of “natural.” The parties have met and conferred and
10 agree that it would be appropriate to continue the stay for an additional four (4) months, without
11 prejudice to Defendants’ position that the case should be stayed until FDA has formally issued
12 guidance on the use of “natural.” As per the Court’s December 8, 2017 Order, the parties will file
13 a joint status report on April 6, 2018, unless FDA issues formal guidance before that date.

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26 ¹ This Court dismissed the claims against Defendant PepsiCo, Inc.’s carbonated soft drinks on
27 March 29, 2018. (Dkt. 133.) On July 30, 2018, the Court denied Plaintiff’s motion for entry of
28 final judgment on the Pepsi carbonated soft drink claims while confirming that dismissal of those
claims had been made with prejudice. (Dkt. 142.)

1 Dated: December 6, 2018

BEN F. PIERCE GORE
PRATT & ASSOCIATES

2
3 By: /s/ Ben F. Pierce Gore
Ben F. Pierce Gore

4 Attorneys for Plaintiff
5 AMY MAXWELL
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8

9 Dated: December 6, 2018

10 WILLIAM L. STERN
11 CLAUDIA M. VETESI
12 LUCIA X. ROIBAL
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13 By: /s/ Claudia M. Vetesi
Claudia M. Vetesi

14 Attorneys for Defendants
15 UNILEVER UNITED STATES, INC.
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PARTNERSHIP

16 Dated: December 6, 2018

17 DANIEL W. NELSON
18 TIMOTHY W. LOOSE
GIBSON, DUNN & CRUTCHER LLP

19 By: /s/ Timothy W. Loose
Timothy W. Loose

20 Attorneys for Defendant
21 PEPSICO, INC.
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ECF ATTESTATION

I, Claudia M. Vetesi, am the ECF User whose ID and password are being used to file the following: **JOINT STATUS REPORT**. In compliance with General Order 45, X.B., I hereby attest that Timothy Loose and Ben F. Pierce Gore have concurred in this filing.

Dated: December 6, 2018

WILLIAM L. STERN
CLAUDIA M. VETESI
MORRISON & FOERSTER LLP

By: /s/ Claudia M. Vetesi
CLAUDIA M. VETESI